

REMARKS

This application is amended in a manner to place it in condition for allowance at the time of the next Official Action.

Status of the Claims

Claims 45 and 46 are amended to indicate that the pharmaceutical composition is to be administered to the localized area of infection. Support for the amendment may be found, for example, in the Detailed Description of the Invention, which explains how administration was performed (e.g., under the title Infusion Techniques, as well as the treatment section under Results).

Claims 28-51 remain in this application.

Claims 28-44 and 51 have been withdrawn.

Claim Rejections-35 USC §102

Claims 45-50 were rejected under 35 U.S.C. §102(b) as being anticipated by DOYLE et al. US 5,965,128(DOYLE). This rejection is respectfully traversed for the reasons below.

DOYLE discloses the prevention and treatment of E-coli by a ruminant animal by administering dominant probiotic bacteria to the animal orally. That is, feeding a feed supplement or additive which comprises an effective amount of probiotic bacteria or by providing a water treatment additive or innoculum to the animal's drinking water. The invention also provides a

feed supplement composition comprising probiotic bacteria and a water additive composition comprising probiotic bacteria. Furthermore, line 22, from column 5 onwards describes administration of dominant probiotic bacteria by any method likely to introduce the organisms into the digestive tract.

DOYLE describes mixing the bacteria with a carrier and applying it to a liquid or solvent feeder to drinking water. Alternatively, the bacteria can be formulated as an inoculated paste and directly injected into the mouth or by a rumin canula.

Thus, overall DOYLE discloses administering probiotic E-coli into the alimentary canal in order to prevent animals not currently carrying the E-coli strain from acquiring that strain. DOYLE is limited to a method of preventing or treating the E-coli strain by administration of bacteria to the digestive tract of an animal.

In contrast, however, currently pending claims 45 and 46 have been amended to emphasize that the composition and method are for administration to a localized infection of the skin. That is, the claimed invention is a pharmaceutical composition based on a food probiotic bacterium which is capable of treating a localized infection of the skin, including infected wounds, urinary tract infections and mastitis. The pharmaceutical composition is adapted for administration to the skin infection such as by the infusions described in the examples for treating the udders of mastitis-infected cows.

As DOYLE fails to disclose any type of application to a localized infection, DOYLE cannot anticipate the present claims.

Moreover, DOYLE would also fail to render obvious the claimed invention, as there is no suggestion that the composition disclosed by DOYLE would achieve the required results by a different administration route.

Therefore, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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